



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

self-control enough to refrain from getting his first information from the text book is a question.

The scope of the author's subject is to be remarked. It covers more than the traditional carriers of goods and of passengers; it includes innkeepers and warehousemen, telegraph and telephone companies. The common undertaking that the editor finds here is that of bailment; either the relation is that, or something like that. It is true that these callings have historically been treated upon the basis of bailment; but the fact remains, as the commentator himself recognizes by his phrase quasi-bailment, that in many of these undertakings the relation is not that of bailment. The real unifying principle that justifies the treatment of all of these callings together is that of public service. In all of these undertakings, and in many more, there is the obligation to serve all that apply with adequate facilities, for reasonable compensation and without discrimination. This, indeed, is affirmed by the author, who in the case of each of these callings devotes a section to establishing the public duty involved. Whatever is peculiar in the topics that the editor has under discussion, and whatever is common to them, are to be explained by this law governing public calling rather than by the law of bailment. It may be agreed, then, that the editor is doing a distinct service by calling attention, by the extent of the scope of his work, to the fact that the carrier is not an isolated instance, but a representative of a class.

As to the way in which the matters are worked out in these books, one could wish to see more generalization in place of the author's practice of treating each business entirely by itself; but perhaps in the present state of the law this would be dangerous, if not impossible. In regard to the execution of the books one could wish that the range of choice in selecting the cases were larger. However efficiently the editors of the *American Decisions*, the *American Reports*, and the *American State Reports* may be thought to have done their work, it is hardly safe for an author to consider that they have overlooked nothing; and it is obvious that many important cases have not been included in these books by reason of this limitation in the editor's search. As to one other detail, it would seem to be better in arranging footnotes to put the cases in the alphabetical order of the jurisdictions, which is now the accepted method.

When all is said against compression, one always turns first by preference to a terse hand book like the present, where he will find the general principle succinctly stated and well illustrated by a few pertinent examples. B. W.

A **TREATISE ON DAMAGES**, covering the Entire Law of Damages both generally and specifically. By Joseph A. Joyce and Howard C. Joyce. In three volumes. New York: The Banks Law Publishing Co. 1903-4. pp. clxxv, 1-855; cliv, 856-1726; cxxxvii, 1727-2669. 8vo.

The existence of two treatises as well known and of as great merit as Sedgwick on Damages and Sutherland on Damages, renders the task of an author or authors who essay the same field not an easy one. The authors of the newest work have presented a very creditable and a useful treatise. It cannot be said that the scientific study of the law has been very much advanced by their work, but there is little question that the practising lawyer will be aided.

The division of the work into chapters is different from that in Sedgwick or in Sutherland; and the division does not seem to present advantages over that in the older works. Too much space has been given to the law of damages as applicable to tort actions for personal injuries. About one-fourth of the entire work is devoted to discussion of damages in cases of death by wrongful act. Though this is an extremely important subject, and one on which the practitioner needs to be informed, it is fair to say that its difficulty and importance do not seem to warrant giving up so large a part of a general work on damages to it. On these points, the authors' opinion differs from that of the reviewer, for they state in the preface, "Inasmuch as actions to recover damages for personal

injuries and for death of a human being have occupied so largely in excess of others the attention of the courts, the authors have given to them the space and prominence which their proper consideration necessitates."

It would seem, too, that the general principles of the law of damages have not been discussed with as much fullness as is desirable before entering on particular applications, and that some questions not strictly within the law of damages are included, as for example in Title II. The important subject of consequential damages in its general aspects and apart from particular applications, is not treated at great length, nor is the subject of damages for breach of contract fully developed. It is a matter of regret that the authors have not availed themselves of the opportunity, open to them by the failure of the older treatises, to give us help on the question of damages for "anticipatory breach."

Considerable attention has been paid to the matter of damages for mental suffering, but here again the discussion is scattered among the various classes of cases in which the question may arise.

On the matter of damages for personal injuries or for death, this work should make a place for itself, and be of incalculable assistance to the triers of tort cases. For example, in the note on pages 240-262 inclusive, a collection is made of cases in which the question raised was whether or not the verdicts rendered were excessive. The authors have classified the cases under the heads of particular injuries, and have given for each case a concise but sufficient statement of facts to allow the practitioner to see at a glance the bearing and effect of the case.

Roughly, 20,000 cases have been cited in the work. This is a smaller number than are cited in Sutherland, but somewhat larger than in Sedgwick. The citations are well arranged, alphabetically by states and chronologically within each jurisdiction, the latest decision being put first. Citations are made to all unofficial reports and collections, as well as to official reports. In the front of each volume is a table of contents of that volume, and a list of the cases cited in the volume. In that respect the arrangement is similar to that of the other large treatises on damages. At the end of the third volume is an index digest of the whole work.

THE PUBLICATIONS OF THE SELDEN SOCIETY. Volume XVIII. For the year 1904. Borough Customs. Volume I. Edited by Mary Bateson. London: Bernard Quaritch. 1904. pp. lix, 356. 4to.

This is the first attempt to bring together the borough customs of England or to set them forth so that they may be compared and studied. The Selden Society deserves commendation for having undertaken to recover the customary law from the municipal archives and for having selected an editor so well fitted to do the work. It is probably safe to say that no collection of materials of more importance for the study of the borough institutions of England has ever been published; it is a substantial contribution to our knowledge of municipal as well as legal history.

The general scope of the work is explained in the introduction as follows: "The present volume is confined to the jurisdiction of the borough court and its procedure. A few further points of procedure and rules of merchant law will be treated in the next volume, but the main themes of the second volume will be the rules of family law and rules which define the relation between the seignorial and ecclesiastical powers on the one hand and the burgesses on the other. The laws of borough elections and what may be called the constitutional laws of the boroughs, and the laws and customs of trades, are excluded from our scheme, partly from exigencies of space, partly because the comparative method seems to be less suited to their case." The exclusion of the constitutional laws is to be regretted. What we need is a corpus of borough law, including all its main branches; it would be a great boon to scholars if the Selden Society would extend the scope of this collection of texts and give us three or four volumes of borough customs instead of two.

It is difficult to set forth or analyze the contents of the volume before us, for